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Waters, John Weston, Cynthia Purkey,
Vanessa Timbreza, Kathy Morales, and
Kellen Prost*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES EDWARD SCOTT, III,

Plaintiff,

v.

GAYLENE FUKAGAWA, *et al.*,

Defendants.

Case No. 3:23-cv-00254-MMD-CLB

**ORDER GRANTING
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE
MOTION FOR SUMMARY
JUDGMENT
(First Request)**

Defendants, Gaylene Fukagawa, Melissa Mitchell, Krystal Waters, John Weston, Cynthia Purkey, Vanessa Timbreza, and Kellen Prost, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Kyle L. Hill, Deputy Attorney General, hereby move this Court for an extension of time to file a Motion for Summary Judgment. This is the first request to extend the subject deadline.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by offender, James Scott (Scott). This Court entered a scheduling order with a discovery deadline of November 4, 2024, and a dispositive motion deadline 30 days following the discovery deadline, or December 4, 2024. ECF No. 21.

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On May 6, 2024, this Court issued the scheduling order for this matter on the same day as scheduling orders in the following cases, all involving Scott: *Scott v. Mitchell, et al.*, USDC 3:23-cv-00231-MMD-CLB; *Scott v. Bories, et al.*, USDC 3:23-cv-00260-MMD-CLB; *Scott v. Taitano, et al.*, USDC 3:23-cv-00263-ART-CLB; and *Scott v. Quigley, et al.*, USDC 3:23-cv-00270-ART-CLB. All of these cases had the discovery deadlines on November 4, 2024, and dispositive motion deadlines of December 4, 2024, which is the same as the instant matter.

Further, counsel for Defendants has had unforeseen medical issues arise within the months of October and November. Given the unexpected health issues and the convergence of multiple cases having the same dispositive motion deadline, Defendants request staggered deadlines for the dispositive motions in this and other cases identified above.

As such, Defendants now file a Motion for Extension of Time to File Motion for Summary Judgment (First Request) and request an additional sixty (60) days to file their summary judgment motion in this matter.¹

II. ARGUMENT

Defense counsel respectfully requests a sixty (60) day extension of time to file Defendants' dispositive motion from the current deadline of December 4, 2024, until February 3, 2025.²

Defense Counsel requests an additional sixty (60) days for Defendants to file their dispositive motion. Defense Counsel has been diligently working on this matter, however, due to unforeseen medical issues and multiple cases having the same dispositive motion deadline, Counsel believes extending and staggering the current deadline in this and other matters identified above would allow adequate time to sufficiently prepare and submit all

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¹ Defendants in USDC Case No. 3:23-cv-00260-MMD-CLB are requesting an extension of thirty (30) days to file any dispositive motions in that matter, while Defendants in USDC Case No. 3:23-cv-00231-ART-CLB are requesting forty-five (45) days, and so wish to stagger a requested extension in this matter as to avoid having multiple deadlines fall on the same day.

² The 60th day falls on Sunday, February 2, 2025, therefore the date has been adjusted accordingly.

dispositive motions. This would also prevent a situation where Plaintiff is expected to respond on multiple dispositive motions simultaneously.

A. Current Deadlines

Dispositive motion deadline: December 4, 2024

Joint pretrial order (if no dispositive motions filed): January 3, 2025

B. Proposed Deadlines

Dispositive motion deadline: February 3, 2025

Joint pretrial order (if no dispositive motions filed): March 5, 2025

C. Good Cause Supports this Request

Federal Rule of Civil Procedure 16(b) allows parties to request extensions of deadlines set in the Court's scheduling order. This request is made exactly 21 days before the subject deadline, and good cause exists as follows for the extension. LR 26-3. Defense Counsel believes staggering the dispositive motion deadlines in this and other matters where the scheduling order issued on the same day would be in the interest of all parties and would further serve the interests of judicial economy. Additionally, counsel for Defendants needs additional time due to unforeseen medical issues³ that have occurred within the previous month which have unfortunately resulted in some delays in counsel's normal schedule. Defendants assert that the requisite good cause is present to warrant the requested extension of time.

III. CONCLUSION

Defendants respectfully request this Court extend the deadline for dispositive motion in this matter. Defendants assert the requisite good cause is present to warrant an

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³ Should the Court want more detail, Defense Counsel is willing to submit a declaration to be reviewed in camera as to preserve counsel's privacy to inform the Court regarding counsel's medical issues.

1 extension of time. The request is timely. Therefore, the Defendants request additional
2 time, up until **February 3, 2025**, to file dispositive motions in this matter.

3 This is the first request to extend the subject deadline.

4 DATED this 13th day of November, 2024.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Kyle L. Hill
8 KYLE L. HILL, Bar No. 16094
9 Deputy Attorney General

10 *Attorneys for Defendants*

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13 **It is so ordered.**

14 **Dated:** November 13, 2024

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17 UNITED STATES MAGISTRATE JUDGE
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